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General and complete disarmament

Assistance to States for curbing illicit traffic in small arms and collecting them

The illicit trade in small arms and light weapons in all its aspects

Consolidation of peace through practical disarmament measures

Report of the Secretary-General

Summary

The present report summarizes the activities undertaken at the national, subregional and regional levels in Africa in response to the request made by States for United Nations assistance in their efforts to curb the illicit trade in and to collect and dispose of small arms, contained in General Assembly resolution 57/70.

The report also provides an overview of the implementation by the United Nations and by States of General Assembly resolution 57/72, including actions undertaken to implement the Programme of Action adopted by the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

The report furthermore reflects practical disarmament activities of States, including those of the Group of Interested States in Practical Disarmament Measures, and regional and subregional organizations in the context of the implementation of the Programme of Action, as requested by the General Assembly in its resolution 57/81.

The report covers activities undertaken from July 2002 to July 2003.

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I. Introduction

1. The present report is submitted pursuant to the requests contained in the following resolutions adopted by the General Assembly at its fifty-seventh session, on 22 November 2002: resolution 57/70, "Assistance to States for curbing illicit traffic in small arms and collecting them" (para. 10); resolution 57/72, "The illicit trade in small arms and light weapons in all its aspects" (paras. 5 and 6); and resolution 57/81, "Consolidation of peace through practical disarmament measures" (para. 7).

II. Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

A. Activities undertaken by the United Nations system

1. General Assembly

First Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

2. By its resolution 56/24 V of 24 December 2001, the General Assembly welcomed the adoption by consensus of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and decided, inter alia, to convene a meeting of States on a biennial basis, commencing in 2003, to consider the national, regional and global implementation of the Programme of Action. By its resolution 57/72, the General Assembly decided to convene in New York in 2003 the first such meeting.

3. Pursuant to resolution 57/72, the Department for Disarmament Affairs sent a note verbale to States, dated 14 March 2003, convening the United Nations First Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and inviting them to attend.

4. The First Biennial Meeting was held from 7 to 11 July 2003 at United Nations Headquarters, with the participation of 148 States. A number of United Nations bodies and other international and regional organizations were also represented, as well as 172 non-governmental organizations.

5. Kuniko Inoguchi of Japan served as Chairperson of the Meeting. The Under-Secretary-General for Disarmament Affairs opened the Meeting and delivered a message from the Secretary-General.

6. The Meeting held 10 plenary meetings, in which it considered all aspects of the implementation of the Programme of Action, and concluded with the adoption of the report of the United Nations First Biennial Meeting of States to consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.[1] The Chairperson's Summary of the Meeting was annexed to the report.

Group of Governmental Experts on identifying and tracing illicit small arms and light weapons

7. In accordance with the recommendation contained in secion IV, paragraph 1 (c), of the Programme of Action, the General Assembly, in paragraph 10 of its resolution 56/24 V, requested the Secretary-General to undertake a United Nations study, with the assistance of governmental experts appointed by him, to examine the feasibility of developing an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons, and to submit the study to the General Assembly at its fifty-eighth session.

8. Pursuant to that request, the Secretary-General convened a Group of Governmental Experts to examine the feasibility of developing an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons, taking into account the views of States.[2]

9. The Group of Governmental Experts held two sessions at the United Nations Office at Geneva, the first from 1 to 5 July 2002 and the second from 24 to 28 March 2003, and a final session at United Nations Headquarters in New York, from 2 to 6 June 2003, at which it adopted a report[3] by consensus.

10. That report examines the nature and scope of the problem posed by illicit small arms and light weapons; describes the existing international and regional initiatives on marking, record-keeping and tracing these weapons; and discusses the technical, legal and policy issues associated with tracing. The report concludes that it is feasible to develop an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons, and recommends that the General Assembly take a decision at its fifty-eighth session on the negotiation of such an instrument.

2. Security Council

11. The Security Council addressed the issue of small arms in the context of its consideration of various themes, including the protection of civilians in armed conflict, at its 4660th meeting (10 December 2002) and children and armed conflict, at its 4695th meeting (30 January 2003),[4] and at its 4766th meeting (30 May 2003), a wrap-up meeting devoted to the subject of conflicts in Africa: Security Council missions and United Nations mechanisms to promote peace and security.

12. On 11 October 2002, the Security Council held an open meeting to discuss the role of the Council in preventing, combating and eradicating the illicit trade in small arms and light weapons. The Under-Secretary-General for Disarmament Affairs introduced the report of the Secretary-General on Small Arms,[5] whose 12 recommendations covered the following main topics: implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects; actions and arms embargoes mandated by the Security Council; conflict prevention, peace-building and disarmament, demobilization and reintegration; and confidence-building measures.

13. In continuation of the Security Council's consideration of the issue of small arms, at its 4639th meeting (31 October 2002) the President made a statement on behalf of the Council[6] in which it took note with appreciation of the report of the Secretary-General and requested him to report, no later than December 2003, on the implementation of all the recommendations contained in that report. The presidential

statement focused principally on the question of arms embargoes and their establishment, monitoring and effective implementation. It also addressed several issues relating to the question of the illicit trade in small arms and light weapons: the reinforcement of existing legislation, and procedures for and control over the export, import, transit, stocking, and storage of small arms and light weapons. The issue of disarmament, demobilization and reintegration was also briefly addressed.

14. Furthermore, by its resolution 1467 (2003) of 18 March 2003, the Security Council adopted a declaration on the subject "Proliferation of small arms and light weapons and mercenary activities: threats to peace and security in West Africa". In that declaration the Council, inter alia, encouraged States members of the Economic Community of West African States (ECOWAS) to submit to the Secretary-General national reports on actions undertaken to implement the Programme of Action in advance of the 2003 biennial review meeting. The Council also called on arms-producing and arms-exporting countries that had not yet done so to enact stringent laws, regulations and administrative procedures to ensure more effective control over the transfer to West Africa of small arms by manufacturers, suppliers, brokers, and shipping and transit agents, including a mechanism that would facilitate the identification of illicit arms transfers, as well as careful scrutiny of end-user certificates.

15. Several of the Council's subsidiary bodies have also been actively considering the small arms issue. In this context, the Counter-Terrorism Committee established pursuant to resolution 1373 (2001) has received reports from Member States that, inter alia, outline measures adopted nationally, such as legislation concerning the acquisition, possession, import and export of small arms, with a view to preventing terrorists from obtaining such armaments. In addition, the Security Council Committee established pursuant to resolution 1267 (1999) has received reports in response to paragraph 6 of resolution 1455 (2003) that describe, inter alia, the specific measures taken by States to prevent the supply of arms to listed individuals belonging to or associated with Al-Qa'idah or the Taliban. On 4 March 2003, the Committee established pursuant to resolution 1267 (1999) communicated clear guidelines to all Member States to assist in the preparation of these reports.

16. The Security Council has continued to employ panels of experts on Liberia, Somalia and Al-Qa'idah and the Taliban (the Monitoring Group), with a view to improving compliance with arms embargoes imposed by the Council. These panels have made a series of recommendations, including those encouraging States to work towards setting up an international convention on the registration of arms brokers and the suppression of unlicensed arms brokering,[7] and calling for the strengthening of the ECOWAS moratorium on the importation, exportation and manufacturing of small arms in West Africa and its implementation mechanism, as well as the establishment, in cooperation with all Member States, of a mechanism for harmonizing and verifying all end-user certificates for weapons.[8] In that connection, the Council, by its resolution 1478 (2003), requested the Liberia sanctions Committee to establish, maintain and update a list of air and maritime companies whose aircraft and vessels have been used to violate the arms embargo established pursuant to paragraph 5 of resolution 1343 (2001). By its resolution 1478 (2003), the Council also decided to expand the existing travel ban to include individuals who were determined by the Committee, on the basis of relevant information, to have violated the arms embargo. By its resolution 1474 (2003), the Council requested the Panel of Experts on Somalia to seek to identify those who continue to

violate the arms embargo inside and outside Somalia, including their active supporters.

3. Group of Interested States in Practical Disarmament Measures

17. During the period under review, the Group of Interested States in Practical Disarmament Measures provided financial support to a fact-finding mission to Mozambique, a small arms conference in Ljubljana, Slovenia, and the disarmament education project conducted by the Department for Disarmament Affairs and the Hague Appeal for Peace. The Group also held three meetings devoted to reassessing its purpose and functioning after almost five years of activities. This reassessment will continue in the near future, in the light of the conclusions of the First Biennial Meeting, so as to place the Group in a better position to assist interested Member States in their efforts to implement the Programme of Action.

4. Coordinating Action on Small Arms

18. The Coordinating Action on Small Arms (CASA) mechanism consists of 17 United Nations departments and agencies[9] and was established by the Secretary-General in 1998 to enable the Organization to bring a holistic and multidisciplinary approach to this complex and multifaceted global problem. CASA has continued its efforts to ensure the coordination of system-wide action on small arms and light weapons and to promote the harmonization of policies, strategies and activities in order to avoid duplication and to generate synergies. In this connection, a revision of the terms of reference of CASA was conducted in October 2002, aimed at, inter alia, improving the definition of its functions and structure, stressing the importance of advocacy, creating a core group within CASA and allowing for the participation of non-governmental organizations in its meetings.

19. Pursuant to General Assembly resolutions 57/70 and 57/72, the activities outlined below were undertaken under the auspices of CASA to promote the implementation of the Programme of Action and to provide assistance to States.

20. At the request of the Government of Mozambique and the United Nations Resident Coordinator in Maputo, an assessment mission composed of representatives of the Department for Disarmament Affairs, the Department of Economic and Social Affairs and the United Nations Development Programme (UNDP) Bureau for Crisis Prevention and Recovery visited that country in December 2002. The aim of the mission was to assess the small arms and light weapons situation in Mozambique and to examine, with the relevant authorities, ways in which the United Nations could assist the Government in addressing the problem. In follow-up to the mission, the Department for Disarmament Affairs, the Department of Economic and Social Affairs and UNDP are currently seeking financial and human resources to undertake a number of initiatives to strengthen the capacity of the Mozambican National Commission against Illicit Small Arms and Light Weapons.

21. The Department for Disarmament Affairs and UNDP continued to collaborate in the implementation of the weapons collection project in N'Guigimi, the Niger.

22. The Department for Disarmament Affairs, the Department of Economic and Social Affairs and the Office of the United Nations Resident Coordinator in Sri Lanka have launched a project to support the establishment of a Sri Lanka national

commission against illicit small arms. The project was formulated pursuant to a recommendation made by a joint Department for Disarmament Affairs/Department of Economic and Social Affairs assessment mission to Sri Lanka in February 2001.

23. CASA organized a United Nations panel presentation to the First Biennial Meeting covering the following topics: an overview of the activities of CASA; illicit trade issues; development, cooperation and national implementation; the human impact of small arms and light weapons; the public health sector's contribution to understanding and preventing small arms violence; and the work of the United Nations Institute for Disarmament Research in the implementation of the Programme of Action. A report entitled "Curbing the illicit trade in small arms and light weapons in all its aspects: the role of the Coordinating Action on Small Arms (CASA)"[10] was also prepared and circulated at the First Biennial Meeting.

24. In addition, members of CASA have undertaken activities related to the implementation of the Programme of Action, as set out below.

Department for Disarmament Affairs

25. In accordance with paragraph 5 of General Assembly resolution 57/72, the Department for Disarmament Affairs continued to collate and circulate information provided by States on a voluntary basis, including national reports, on the implementation of the Programme of Action, national legislation on small arms and light weapons and national contact points regarding the implementation of the Programme of Action.[11]

26. The Department co-organized conferences, seminars and workshops in Africa, Asia, Europe and Latin America and the Caribbean, and designed and implemented weapons collection and disposal programmes in Argentina, Brazil, Peru and Togo. Such activities are mentioned in the reports of the Secretary-General to the General Assembly at its fifty-eighth session on the regional centres for peace and disarmament in Africa,[12] Asia and the Pacific,[13] and Latin America and the Caribbean.[14] The Department for Disarmament Affairs also participated in a number of follow-up events[15] to the July 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

27. The small arms education project "Developing peace and disarmament education initiatives to disarm children and youth", carried out by the Department for Disarmament Affairs in partnership with the Hague Appeal for Peace, was officially initiated in four countries — Albania, Cambodia, the Niger and Peru — on 1 February 2003. The peace education partners on the ground conducted baseline surveys on behaviours and attitudes of teachers, students and educational administrators with regard to guns and violence. Also surveyed were school and local police records to determine the incidence of violence linked to weapons. The various projects also began training for teachers, curriculum development for classrooms and educational activities for youth.

Office for the Coordination of Humanitarian Affairs

28. Pursuant to a request by the Security Council,[16] the Office for the Coordination of Humanitarian Affairs has facilitated a series of workshops aimed at developing systematic recommendations on humanitarian policy with regard to the protection of civilians in armed conflict, based on the objectives contained in the aide memoire on

protection of civilians in armed conflict adopted by the Council in March 2002.[17] In this connection, the workshops held in southern Africa in October 2002 and West Africa in May 2003 highlighted the importance of harmonizing at the regional level the national legislation on arms control and local production of small arms and light weapons; developing common policies for the collection and destruction of such weapons; and involving affected communities in carrying out such policies.

United Nation Children's Fund

29. The United Nations Children's Fund (UNICEF) is regularly involved in programmes to demobilize child soldiers, including in the midst of armed conflict. Such programmes focus on anyone under the age of 18 who is part of any kind of regular or irregular force or armed group, including, inter alia, combatants, cooks, porters and messengers, as well as girls and boys recruited for sexual purposes or forced marriage. Attention is also focused on helping children at risk of involvement in armed conflict so as to prevent their recruitment into such groups. In the past year, UNICEF has conducted demobilization and reintegration programmes in more than a dozen countries.

30. In response to the Programme of Action, UNICEF has undertaken a project to raise awareness and address the impact of small arms in four countries: Kosovo, Somalia, southern Sudan and Tajikistan. Supported by the United Nations Foundation/United Nations Fund for International Partnerships, the project's objective is to initiate change in the attitudes and behaviour of children, their families and communities so as to promote opposition to the use of small arms.

Office of the Special Representative of the Secretary-General for Children and Armed Conflict

31. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict has drawn attention to the impact of small arms and light weapons on children, and has been advocating action to redress this situation and promoting the incorporation of the issue of children affected by armed conflict in the international peace and security agenda. As a result, the Security Council, in its resolutions 1379 (2001) and 1460 (2003), included provisions to address the linkages between small arms and light weapons and children and urged Member States to take action in this regard.

32. The Office of the Special Representative is supporting the development of a research project on the impact of small arms on children by an international research network hosted by the Social Science Research Council in New York. This two-year project will generate a more extensive knowledge base and will be instrumental in promoting networking and information-sharing among various actors working to prevent and eradicate the negative impact of small arms on children, and will include three regional workshops, in Africa, Asia and Latin America.

United Nations Development Fund for Women

33. Security Council resolution 1325 (2000), the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective In Multidimensional Peace Support Operations have provided frameworks for action to ensure that gender is mainstreamed into all aspects of United Nations peacekeeping and disarmament, demobilization and reintegration activities. Furthermore, the

Department for Disarmament Affairs has issued a Gender Mainstreaming Action Plan to promote gender awareness in all its programmes. The United Nations Development Fund for Women has commissioned a study to assess the extent to which gender equality can be promoted through disarmament, demobilization and reintegration processes. The study draws on action-oriented research to assist implementers in designing and developing programmes that will equitably benefit women, men, girls and boys in the disarmament, demobilization and reintegration process.

World Health Organization

34. The recent World Health Organization (WHO) publication *World Report on Violence and Health* provides a global overview of the determinants of violence and presents current knowledge about effective interventions to prevent violence. The report's nine recommendations to prevent violence, while including a call for internationally agreed responses to the global arms and drug trade, also draw attention to other areas relevant to violence prevention, including the promotion of primary prevention responses and support for research on violence prevention. In response to the call for action-oriented research contained in the Programme of Action, WHO has initiated a multi-year project aimed at better understanding the nature and scope of the problems associated with small arms. The project is currently in a pilot phase in Brazil and Mozambique, and will be developed in three areas: a comprehensive review of existing data to generate as accurate a profile as possible of small arms violence; direct support for selected community-based programmes, such as a community policing programme in Rio de Janeiro, that aim to prevent small arms violence; and a methodologically rigorous evaluation of the effectiveness of these programmes in preventing small arms violence.

B. Activities undertaken at the regional and subregional levels

35. During the period under review, regional and subregional organizations have been increasingly active in implementing the Programme of Action, as illustrated by the examples given below.

36. The African Union High-level Intergovernmental Meeting on the Prevention and Combating of Terrorism in Africa, held in Algeria from 11 to 14 September 2002, adopted a Plan of Action on small arms calling for measures such as strengthening border controls and combating the illegal import, export and stockpiling of small arms and light weapons, ammunitions and explosives, in order to restrict the access of terrorist networks in Africa to such weapons.

37. The United Nations Office at Nairobi has organized a number of workshops and conferences as a component of its campaign for subregional awareness. It is working with subregional police chief organizations to promote the signature of the Eastern Africa Police Chiefs Cooperation Organization (EAPCCO) Protocol on Small Arms. This comprehensive Protocol seeks to harmonize legislation on small arms across the Great Lakes region and the Horn of Africa. The United Nations Office at Nairobi, in conjunction with EAPCCO, is also developing a training manual and curriculum for law enforcement officers in the subregion.

38. The Southern African Development Community (SADC) signed a Protocol on the Control of Firearms, Ammunition and Other Related Materials in 2001,

establishing a framework for cooperation among SADC member States and with international cooperating partners. The SADC secretariat has established a point of contact and a Public Security Subcommittee that brings together customs, police, immigration and other agencies responsible for border control. A Technical Committee on Small Arms has also been established, through which Member States share best practices, security and safety measures and cost-effective methods of destruction of surplus firearms and agree on mutual assistance for the management of stockpiles. The Committee works with the Southern Africa Regional Police Chiefs Cooperation Organization as well as various civil society organizations, such as the Institute for Security Studies and SaferAfrica. SADC envisages introducing the concept of disarmament, demobilization, reintegration and development and convening a regional workshop on the issue in the near future.

39. The Pacific Islands Forum Regional Security Committee has developed measures for a common regional approach to weapons control, reflected in the Honiara Initiative and the Nadi Declaration, in response to regional problems such as the availability of old stocks, lack of infrastructure for weapons accountancy and stockpile management, and incomplete legislation for licensing and registration.

40. In December 2002, the Common Market of the South and its associated States established a Working Group on Firearms and Ammunitions, aimed at enhancing subregional cooperation in areas such as information exchange, tracing and the harmonization of national legislation with the Inter-American Convention against Illicit Manufacturing of and Trafficking in Firearms, Ammunitions, Explosives, and Other Related Materials.

41. A regional programme has been developed in Central America under the auspices of the Central American Integration System, aimed at addressing the issues of crime, violence and the availability of small arms and light weapons. Furthermore, the Central American Security Commission approved, in June 2003, the Central American Project to Prevent and Combat the Illicit Trade in Small Arms and Light Weapons.

42. Also in June 2003, the Ministries of Foreign Affairs and Defence of the Andean countries adopted the Andean Plan for the Prevention, Combat and Eradication of the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

43. The League of Arab States has collected information on small arms and light weapons in the Arab region and on measures taken in support of the Programme of Action and, in coordination with the Department for Disarmament Affairs, is preparing a workshop on small arms and light weapons, scheduled to be held in Cairo in December 2003.

44. The Euro-Atlantic Partnership Council (EAPC) of the North Atlantic Treaty Organization established the ad hoc Working Group on Small Arms and Light Weapons, which provides a framework for dialogue and information exchange among participating States, as well as technical cooperation through trust funds in the Partnership for Peace framework. EAPC has also cooperated with South-East European and Caucasus States in weapons destruction programmes.

45. The Organization for Security and Cooperation in Europe (OSCE) has undertaken the following initiatives:

- Information exchange on national legislation, marking systems, manufacture control, export and brokering policies, destruction techniques and stockpile management
- Capacity-building activities through training and workshops on small arms and light weapons control, including border security, in the five Central Asian States
- The development of eight OSCE best-practice guides to be compiled into a handbook
- Cooperation with EAPC, the United Nations and related organs, UNDP, the Stability Pact for South-Eastern Europe and the South-Eastern Europe Small Arms Clearinghouse.

C. Activities undertaken at the national level

46. A preliminary analysis of the 97 national reports[18] submitted by States to the First Biennial Meeting and other information received by the Department for Disarmament Affairs, illustrates the progress made since the adoption of the Programme of Action in 2001:

- One hundred and twelve Member States have designated national contact points to act as liaisons with other States on the implementation of the Programmme of Action
- More than 50 States have also established national coordinating agencies to ensure that holistic, integrated and coherent approaches are employed by all relevant actors involved in efforts to implement the Programme of Action
- Twenty-eight per cent of the reports indicated actions undertaken to develop or update existing national legislation on small arms and light weapons
- Fourteen per cent of the reports referred to the existence of brokering laws and regulations prior to 2001, and 22 per cent indicated that brokering laws and regulations had been adopted since 2001 or were currently being prepared
- Fifty-eight per cent of the reporting States indicated that they had had export-import control laws prior to 2001, while 22 per cent indicated that they had adopted or revised such laws, or had initiated such a process, after 2001
- Twenty-eight per cent of the States reported that they had a system regarding end-user certificate requirements in place before 2001, and 12 per cent indicated that they had introduced such a system since 2001
- A significant number of countries particularly affected by the problem of small arms and light weapons indicated that they would need assistance not only in developing import legislation but also in developing the capacity to implement it
- Forty-two per cent of the reporting States referred to actions relating to the improvement of law enforcement capacity and/or cooperation with other countries or regional and international institutions, while 28 per cent reported actions undertaken in this area after the adoption of the Programme of Action.

47. In spite of these encouraging developments, some areas of concern remain, as expressed by a number of States in both their national reports and their statements to the First Biennial Meeting:

- A number of States highlighted the importance of addressing the root causes that drive the demand for, and promote the illicit trade in, small arms and light weapons
- A large number of developing countries directly affected by the problem of small arms and light weapons indicated that current levels of international and regional cooperation and assistance were not adequate
- A number of States expressed continuing grave concern over transfers of small arms and light weapons to non-State actors and the need for tighter controls on the civilian possession of weapons designed for military use
- Some States insisted on the need for improved export-import controls, including the use of reliable end-user certificates
- A number of States expressed strong views regarding the need to develop effective strategies to address the challenge posed by illicit brokers
- A number of States stressed the urgency of starting negotiations aimed at the development of legally binding instruments in areas such as tracing illicit small arms and light weapons and brokering.

III. Conclusions

48. **During the period under review, Member States, international and regional organizations and civil society have remained strongly committed to implementing the Programme of Action at the national, regional and global levels. These stakeholders used the First Biennial Meeting to consolidate existing partnerships and to forge new ones around programmes focusing on concrete action on the ground. The report of the Group of Governmental Experts on identifying and tracing illicit small arms and light weapons constitutes a significant step in addressing one of the critical aspects of the small arms problem.**

49. **The first two years of implementation of the Programme of Action have highlighted the importance of international cooperation and assistance in effectively addressing the challenge posed by illicit small arms and light weapons. The United Nations system, through the CASA mechanism, as well as the relevant individual departments, agencies and funds, and with the support of interested partners, is determined to continue to play its role in the global efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons.**

Notes

[1] A/CONF.192/BMS/2003/1.

[2] All documents, including those stating the views of States, that have been taken into account by the Group of Governmental Experts are available on the Department for Disarmament Affairs web site: http://disarmament.un.org/cab/salw-tracingexperts.html. The Department also maintains printed versions of these documents, which are available for consultation by Governments.

[3] See A/58/138.

[4] See Security Council resolution 1460 (2003).

[5] S/2002/1053.

[6] S/PRST/2002/30.

[7] See S/2002/1050/Rev.1 and S/2002/1338.

[8] See S/2003/498.

[9] Department for Disarmament Affairs, Office for the Coordination of Humanitarian Affairs, Department of Economic and Social Affairs, Department of Political Affairs, Department of Peacekeeping Operations, Department of Public Information, United Nations Children's Fund, United Nations Development Programme, Office of the Special Representative of the Secretary-General for Children and Armed Conflict, New York office of the United Nations High Commissioner for Human Rights, New York office of the United Nations High Commissioner for Refugees, United Nations Institute for Disarmament Research, Centre for International Crime Prevention of the Office on Drugs and Crime, United Nations Development Fund for Women, World Bank, World Health Organization and United Nations Environment Programme.

[10] See http://disarmament.un.org/cab/salw.html.

[11] See http://disarmament.un.org/cab/salw.html; the Department for Disarmament Affairs also maintains printed versions of the documents submitted, which are available for consultation by Governments.

[12] A/58/139.

[13] A/58/190.

[14] A/58/122.

[15] See the *United Nations Disarmament Yearbook*, vol. 27, 2002.

[16] See S/2001/614.

[17] PRST/2002/6, annex.

[18] Reports can be consulted, in their languages of submission, at http://disarmament.un.org/cab/salw-nationalreports.html. The Department for Disarmament Affairs also maintains printed versions of these documents, which are available for consultation by Governments.

Annex

Views of States on further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons

Bulgaria

[Original: English]
[1 May 2003]

We have the honour to inform you hereby that the Republic of Bulgaria adopted legislative amendments in 2002 directed at strengthening control over brokers' activities by introducing an obligatory general licensing mechanism for brokers on the basis of their reliability and stability, followed by issuance of permits on a case-by-case basis. We consider the continuation of the efforts to develop common understanding of the basic issues and the scope of the problems related to illicit brokering, as well as on further action, a very important step for the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

Costa Rica

[Original: Spanish]
[5 June 2003]

The Government of Costa Rica is of the view that the following steps might be taken to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons:

- Regulate brokering, preferably through steps such as maintaining a registry of transactions, licensing and the establishment of sanctions and penalties for illicit weapons brokering;
- Establish laws, regulations and administrative procedures for the effective control of weapons production, export, import, transit and transshipment;
- Criminalize all aspects of illicit weapons brokering;
- Ensure that authorized manufacturers place appropriate, reliable marks on each weapon as an integral part of the manufacturing process;
- Maintain a registry of imports and exports;
- Notify the original exporter of the final destination of transshipped weapons;
- Institute measures for cross-border cooperation; and
- Cooperate and exchange information on matters relating to illicit brokering.

Grenada

[Original: English]
[2 May 2003]

1. Being small States with small and lightly armed security forces, Grenada and other similar small States can become easy targets for small teams of lightly armed adventurers or disgruntled citizens or criminals.

2. We are not talking about persons with tanks, gunships or for that matter even machine guns. We are speaking of small groups of men, up to platoon size, with rifles, shotguns and pistols, having a very good chance of overthrowing a democratically elected Government or, in the attempt, creating tremendous confusion, hardship and suffering for citizens and visitors. Such men can also create tremendous instability through criminal activities.

3. Because of this real threat to the stability and security of small democracies, it is imperative for the wider community of nations to understand the very significant threat that very small quantities of small arms and ammunition can pose.

4. Once this is understood, the responsible nations of the world will recognize that it is imperative for the very survival of such States that every weapon and all ammunition that is manufactured, anywhere in the world, be marked, registered and tracked throughout its life.

5. This proposal is not aimed at disarming private citizens but at ensuring proper accountability and transparency at all times throughout the life of the firearm.

6. With all nations subscribing to such a policy, all weapons can be quickly traced through individual owners to the dealers and the manufacturers.

7. With a system of accountability and transparency in place it will make it far more difficult for criminals, adventurers, etc., to acquire weapons and ammunition for their evil intentions. If they do succeed, the supply lines can easily be traced so that appropriate action can be taken.

8. To this end we submit the following:

(a) Manufacturers' "signature" and weapon identification number must be permanently inscribed on every part as soon as it is manufactured;

(b) Manufacturers must deliver firearms, etc., only to authorized dealers/recipients;

(c) Firearm dealers (salesmen) must be registered and vetted by the local police/authority;

(d) Firearm dealers (salesmen) must apply "know your customer" rules to all purchasers/suppliers;

(e) Every firearm sale or transfer from a dealer or private owner may take place only after a permit is presented by the purchaser/recipient of the firearm/ammunition;

(f) Purchasers/recipients must have a permit from the local authority prior to purchase/receipt of a firearm, etc.;

(g) Once firearms are purchased they must be registered with the local police/authority by the purchaser and the seller;

(h) Privately owned firearms must be presented to the local police/authority for inspection each year;

(i) Private sales and purchases must follow steps (e), (f) and (g) above;

(j) Any person who ever owned a firearm must be able to present the firearm at any time or present a police disposal/sale certificate in its place;

(k) No firearm is to be disposed of in any way, unless authorized by a disposal certificate issued by the police/local authority;

(l) No firearm or parts of firearms or ammunitions must cross national boundaries unless:

(i) It is declared to both the sending and receiving country (if carried on the person) at the time and point of exit/entry;

(ii) Relevant import and export permits are seen;

(m) Importers must have an import licence from their local authority and a copy of the export licence from the exporter before import is effected;

(n) Exporters must have a copy of the import licence and an export permit before any firearm, part of a firearm or ammunition is sent across national boundaries;

(o) The rules above must be applied to sales by Internet where applicable;

(p) The rules above must be applied to all brokers where applicable;

(q) The rules above must be applied to all gunsmiths where applicable;

(r) Mechanisms must be put in place to monitor the sale and use of ammunition by private citizens;

(s) The loss or theft of any firearm, etc., must be reported to the local authority and also to the authority in the locale where such loss took place.

9. The above regime can and should be applied to the sale/provision/transfer of both small and large quantities of munitions.

10. We believe that such requirements, if subscribed to by all nations, will make the world a safer place.

Jamaica

[Original: English]
[18 June 2003]

1. Jamaica is in full support of General Assembly resolution 57/72 and all previous resolutions which facilitate the strengthening of international cooperation in preventing the illicit brokering in small arms and light weapons (SALWs).

2. Jamaica is represented on the Group of Governmental Experts established by the Secretary-General to develop an international mechanism to enable the marking and tracing of weapons, wherever they are manufactured or transferred.

3. Jamaica is especially interested in seeing the strengthening of participation and cooperation in devising common standards and coding in the marking of weapons at the time of manufacture for all SALWs, as this will assist in efficient and swift tracing when they are used for illicit purposes.

4. Jamaica also considers record-keeping to be a priority, as this should also facilitate the speedy tracing and identification of SALWs from date of manufacture to export or transfer between States.

Japan

[Original: English]
[6 May 2003]

1. The Government of Japan is of the view that regional and international cooperation to prevent illicit brokering activities should be promoted as a part of important efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons. In several forums at the national, regional and global levels this issue and how it should be tackled have been discussed. On the basis of those discussions, Japan is determined to make positive contributions on this subject.

Regulations against illicit brokering activities in Japan

2. The Foreign Exchange and Foreign Trade Law restricts illegal brokering activities. To serve as an intermediary in the international trade of arms is also restricted (Article 25, paragraph 1, subparagraph 2). Those who engage in such trade without permission will be liable to penalties of five years or less imprisonment or a fine of up to 2 million yen, or both; however, if five times the value of exported arms exceeds 2 million yen, a fine of up to that amount may be applied (Article 69-6).

Jordan

[Original: Arabic]
[6 May 2003]

1. . At present the trade in small arms and light weapons does not receive sufficient attention in the Middle East, and, given the security conditions prevailing there, is not being given the priority it merits by the States of the region. Jordan, however, welcomes cooperation in combating the illicit trade in such weapons at all levels — international, regional and national — to curb the proliferation of this dangerous phenomenon and emphasizes that this does not by any means signify the abandonment of the international community's disarmament priorities. Those priorities were clearly defined in the Final Document of the Tenth Special Session of the General Assembly, the first special session on disarmament, held in 1978, which accords the highest priority to nuclear disarmament, followed by the non-proliferation of other weapons of mass destruction and conventional weapons.

2. Jordan has legislation and laws which regulate the purchase, possession, use and circulation of small arms and light weapons. Moreover, it is eager to oppose the smuggling of such weapons through its territory and takes great pains to protect and secure its long borders in order to stop the smuggling of and illicit trade in these weapons.

3. Jordan emphasizes that a solution to the question of Palestine and the attainment of a comprehensive, lasting and just peace in the Arab-Israeli conflict will contribute greatly towards putting an end to the illicit trade in small arms and light weapons and will strengthen cooperation between the States of the region with a view to eradicating this phenomenon. It also emphasizes the need to look into the root causes of the conflict, and specifically the proliferation of these weapons that has resulted from their illicit trade, which in turn is the result, rather than the cause, of the conflict.

4. Jordan insists that any future measures or agreements adopted in this field must not violate the sovereignty of States, which have a right to engage in the legal trade in small arms and light weapons.

5. The following measures may be envisaged to strengthen international cooperation in combating the illicit trade in small arms and light weapons:

(a) The manufacture of and trade in arms could be restricted to Governments and authorized dealers;

(b) Plants producing such weapons could be required to mark them in order to facilitate tracing;

(c) Producer countries could be bound by rules governing the production and export of these weapons and a prohibition imposed on their export to any non-governmental or non-official body;

(d) Restrictions could be imposed on the export of arms to importing countries, and exports of arms to States involved in any armed conflict should be banned unless the arms are required for self-defence purposes;

(e) Weapons depots could be placed under government control and strengthened supervision, and measures should be taken to ensure that they are properly protected and guarded in order to prevent looting or theft;

(f) Cooperation between States in exchanging information concerning arms shipments could be enhanced and measures taken at airports, ports and border regions to ensure the legality of such shipments;

(g) Customs regimes could be introduced and security arrangements, including sophisticated equipment, put in place to detect contraband shipments of arms and munitions;

(h) Intelligence cooperation between States could be enhanced to facilitate the tracing of arms shipments from the supplier to the recipient and the identification of the individuals and groups involved;

(i) Legislation could be enacted and administrative measures taken at the international level to permit the effective monitoring of weapons in the possession of individuals and groups.

6. The role of the United Nations in gathering and publishing information relating to the illicit trade in small arms and light weapons:

(a) The granting of assistance to poor countries to develop their societies, raise their standards of living, since low standards of living are considered one of the principal reasons for the arms trade, and create an alternative source of income for them;

(b) The launching of consciousness-raising programmes to acquaint the citizens of poor countries with the dangers posed by arms of this kind and their impact on security, stability and development in their countries;

(c) The provision of financial assistance for programmes to collect arms from citizens and destroy them;

(d) The encouragement of international and regional cooperation and the active involvement of governmental and non-governmental organizations in curbing this phenomenon;

(e) The active involvement of the International Criminal Police Organization and the World Customs Organization in strengthening the monitoring of arms shipments and the identification of groups and individuals involved in the illicit trade in small arms and light weapons.

Poland

[Original: English]
[30 April 2003]

1. Pursuant to paragraph 4 of General Assembly resolution 57/72, adopted on 22 November 2002, States undertook to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in the trade of small arms and light weapons (SALWs).

2. Poland believes that control of arms brokers is of crucial significance in counteracting illicit trade in arms. Past experience, including studies by groups of experts appointed by the United Nations to examine violations of arms embargoes imposed by the Security Council, proves that a lack of proper controls facilitates illicit trade.

3. The Republic of Poland is of the opinion that there can be no responsible arms export control without control of the brokers. Nothing can justify inaction in this area. Hence, Poland welcomes the efforts of the international community, and of countries, designed to introduce control of brokers' activity.

4. Since 1997, Poland has had legal instruments for controlling brokering in the arms trade. The Polish legal system applies the same strict procedures for controlling SALW trade, traders and brokers as for those dealing with other types of armament. Currently, the basic legal act dealing with the problem of arms trade and brokering is the Law of 29 November 2000 on international trade in goods, technologies and services of strategic significance for State security and maintenance of international peace and security, and amending selected laws.

5. Article 3, paragraph 8 (a) describes the (arms) trade and services connected therewith as:

- any type of transportation of strategically significant goods across the border of the Republic of Poland, in particular as a result of export, import and transit contract and/or a deed of gift, leasing, loan, cession or contribution in kind to a company.
- agency services, commercial consulting services, contract negotiation assistance services and participation in any way in actions referred to in subparagraph (a), including actions taken outside the territory of the Republic of Poland.

It is worth emphasizing that the above-mentioned provisions not only give a detailed definition of brokering (which allows companies to establish whether their activities are subject to the export control procedures), but also allow for control over Polish brokers operating outside Polish borders.

6. Entrepreneurs involved in brokerage, trade consulting or arrangement of contracts, or participating in any form in activities involving movement of strategic goods, by means of export, import, transit, leasing, donation or apport into a company, are subject to control by the Minister of Economy.

7. Trade in arms as well as the provision of related services requires the acquisition of an individual licence. Individual licences for international trade in strategic goods, technologies and services can be granted to entrepreneurs who can prove the application for at least three years of an internal control programme and management of trade, in compliance with the requirements of international norm ISO 9001.

8. The distinguishing factor of the Polish control system is that before applying for an individual licence an entrepreneur is held responsible for ascertaining that the contract: (a) does not involve circumstances threatening human rights or fundamental freedoms; (b) the delivery will not threaten peace or otherwise undermine stability in the region; (c) the final destination country does not support, facilitate or encourage terrorism or international crime; and (d) the arms will not be used for purposes other than valid security and defence needs of the recipient country.

9. An important instrument for controlling brokers in the international trade in SALWs is the provision that all business partners must be reported to the licensing authority, along with the character of their involvement in a contract. Accordingly, a note must be made regarding all brokers, commercial consultants, persons arranging contracts, shippers, forwarding agents and others. This allows administrative organs to identify all brokers and to execute observance of the laws and rules.

10. It should be underlined that the implementation of the apparently complicated procedures has not excessively encumbered the administration or enterprises. With such experience in hand, Poland cannot accept assertions — also voiced at the United Nations — that the control of brokers would pose a profound logistical problem that could not be rapidly resolved. On the contrary, States should assume full responsibility for controlling their nationals in this area. It is in their interest to control the brokers. Consequently, States should implement appropriate legal instruments and effective administrative procedures to ensure effective control.

11. It should be stressed that proper control of arms brokers requires close international cooperation. Hence, all responsible States should move expeditiously to introduce procedural mechanisms permitting the imposition of such controls. Failure to take such steps cannot be justified by a shortage of material or human resources, because control procedures do not require substantial outlays. The United Nations should play a coordinating and facilitating role.

12. The United Nations can play a crucial role in developing global standards for controlling brokers. At present, the most urgent task is the implementation of the provisions of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime. The provisions of the Protocol concerning minimum standards of control over brokers offer an excellent basis for further work by the international community.

13. Poland feels that use should be made of the findings of the Group of Governmental Experts appointed by the Secretary-General in 2000 to prepare a report on the possibility of restricting SALW manufacturing and trade to manufacturers and dealers authorized by States. The analysis of the problem of arms brokers presented by the Group of Experts should be recognized as the point of departure for further study of the issue by the United Nations. In particular, it should be ascertained whether it would be possible and advisable to introduce a global instrument for legal control of arms brokers. It would also be helpful for the Department for Disarmament Affairs to compile the national practices of all the Member States in controlling brokers. Consideration should also be given to the preparation of a questionnaire on national broker-control practices, brought up to date each year by the Member States.

14. Poland feels that the United Nations should encourage dissemination of the high control standards developed by the Organization for Security and Cooperation in Europe, the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies and the European Union. All global initiatives concerning guidelines on combating illicit SALW trade should incorporate — as a fundamental recommendation — the controlling by States of their nationals in the area of arms brokering.

Rwanda

[Original: English]
[14 May 2003]

1. The United Nations should consider assisting States in implementing and enhancing the capacity to fight the illicit trade in small arms in all its aspects within the framework of this adopted resolution.

2. The United Nations should also consider assisting in setting up national coordinating agencies/national focal points and capacity-building, training and financing of local manpower.

3. The United Nations should play a supervisory role in the harmonization of regional, subregional and international legislation on firearms and ammunition, as well as public awareness and campaigns through regional, subregional and international meetings.

Senegal

[Original: French]
[13 May 2003]

1. First of all, it might be advisable to enhance substantially the capabilities of the services managing small arms in various States, including African States.

2. States might thus be in a position to put in place all the necessary controls, regarding, for example, import certificates, which would be reused several times so as to bypass the various phases in the procedure considered restrictive by importers.

3. It might also be advisable to monitor the activities of certain former army officers who used to be in charge of stockpile management. They might be tempted to switch to illicit brokering if, knowing that stockpiles are to be taken out of service, they could contact both the current managers and the importers in order to bring them together. Sales of such stockpiles would mean large commissions for them, especially as sales could be unregulated.

4. Lastly, it might be advisable to develop international cooperation in the management of small arms, to be reflected in assistance by the developed countries to the developing countries (e.g., technical assistance, training, specialization, etc.).